



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (S) NO.93 OF 2024
IN
SECOND APPEAL STAMP NO.910 OF 2024

(Namdeo s/o Parasram Nyaykhor (deceased) thr. LR's a] Smt. Chandrabhaga wd/o
Namdeo Nyaykhor and others Vs. Smt. Vimal w/o Rupchand Malkhandale)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. B. M. Kharkate, Advocate for Appellants.
Mr. K. B. Ambilwade, Advocate for Respondent.

CORAM: SANJAY A. DESHMUKH, J.

DATE: 11th JUNE, 2024.

Heard.

2. This is an application for condonation of delay under Section 5 of the Limitation Act.

3. The learned Advocate for the appellant pointed out that the delay is caused because parties are residing at different places, could not sit together and could not contact their Advocate for filing the application and therefore, the delay was caused.

4. The learned Advocate for the respondent submitted that there is no sufficient reasons mentioned in the application for allowing this application causing delay to justify to allow this application.

5. The learned Advocate for the appellant is relying upon the following authorities:

(a) *Collector, Land Acquisition, Anantnag and another v. Mst. Katiji and others AIR 1987 SC 1353,*

(b) *Anusayabai w/o Ramchandra Lande and others v. Union of India and another 1992(1) Mh.L.J. 366* and

(c) *Ajay Dabra v. Pyare Ram and others 2023(2) Mh.L.J. 651.*

6. The delay of 85 days caused in filing this appeal.

7. The reason is that parties reside at different places, could not sit together and contact their Advocate for filing this application. Considering the grounds raised for the delay it would be proper to condone the delay in the interest of justice. However, at the same time, respondent No.3 could be compensated. The applicants are directed to pay costs of Rs.2000/- to the respondents. The application is allowed. The delay of 85 days for filing the delay is condoned subject to deposit costs of Rs.2000/- within two weeks.

(SANJAY A. DESHMUKH, J.)